

JAN. 10. 2002 1:29PM

NO. 4909 P. 1/4

8009

OFFICIAL

FAX RECEIVED

JAN 11 2001

GROUP 1600

**STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**

ATTORNEYS AT LAW

1100 New York Avenue, N.W.

Suite 600

Washington, D.C. 20005-3934

**Facsimile Cover Sheet**

urgent ☐ return reply requested ☐ original will be sent as confirmation ☐

**DATE:** January 10, 2002

**FAX NO.:** 703 308-4242

**PAGES:** 4 (including this cover sheet)

**TO:** U.S. Patent and Trademark Office

**ATTN:** Examiner Foley

**FROM:** Peter A. Jackman, Esquire *PAJ*

**RE:** U.S. Application No. 09/688,371; Filed: October 12, 2000

**For:** Recombinant, Replication Defective CELO Virus and CELO  
Virus DNA

**Inventors:** Cotten *et al.*

**OUR REF:** 0652.2150001/EKS/PAJ

**MESSAGE**

Further to our telephone conversation today, attached please find a copy of the Preliminary Amendment filed January 18, 2001.

This message is intended for the exclusive use of the individual or entity to which it is addressed. The message may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this communication in any way is strictly prohibited. If you have received this communication in error, please call us collect immediately, and return the original message to us at the above address via the U.S. Postal Service.

If any portion of this transmission is not received clearly or in full, contact us at any of the following numbers:

TELEPHONE NUMBER  
(202) 371-2600

FACSIMILE NUMBER  
(202) 371-2540

JAN. 10. 2002 1:30PM

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

COTTEN *et al.*

Appl. No. 09/688,371

Filed: October 12, 2000

For: **Recombinant, Replication Defective  
CELO Virus and CELO Virus  
DNA**

Art Unit: 1646

Examiner: *To Be Assigned*

Atty. Docket: 0652.2150001/EKS/PAJ

#14

*Amdt B  
1/12/02***Preliminary Amendment**Commissioner for Patents  
Washington, D.C. 20231

Sir:

In advance of prosecution, please amend the application as follows:

***In the Claims:***

Please amend the claims as follows:

29. (Once amended) The method of claim 26, wherein the host cell is infected with a CELO virus into whose genome an hsp40 expression cassette encoding hsp40 or another protein upregulated by Gam1 has been inserted.

***Remarks***

Applicants have amended claim 29 to further clarify the expression cassette which is inserted into the CELO virus. This amendment does not narrow the scope of the claim, in that the embodiments intended by Applicants to be included within the scope of claim 29 as filed